

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

GEORGE J. CHAPMAN,
Plaintiff,

v.

DAN PACHOLKE, et al.
Defendants.

NO. CV-12-5116-JPH
ORDER ON MOTIONS
ECF Nos. 38, 43, 48

On September 19, 2013, Defendants moved for a protective order, ECF No. 48, decided by the court on the date below. Previously Plaintiff moved to compel discovery, ECF No. 43, specifically, to compel the testimony of three prison employees. Defendants responded. ECF No. 49.

Also before the court is Plaintiff's motion to suppress, ECF No. 38. In this motion Plaintiff asks that a jury "not be presented" with a June 2012 letter written to Patricia Chapman. Defendants responded, asserting that Plaintiff's motion is actually a premature motion in limine. ECF No. 49 at n. 1. Plaintiff replied that the court should interpret the motion to suppress as a motion to strike the "letter from the record." ECF No. 42 at 1.

On September 16, 2013, Defendants moved for summary judgment. ECF No. 44.

After considered the pleadings filed in this matter,

1 **IT IS ORDERED:**

2 1. Plaintiff's Motion to Suppress, **ECF No. 38, is denied** as it is
3 premature if viewed as a suppression motion, and without merit if viewed as
4 a motion to strike.

5 2. Plaintiff's Motion to Compel, **ECF No. 43, is denied** because
6 Defendants have moved for summary judgment, assert qualified immunity
7 and a stay is warranted. *See* ECF No. 48.

8 3. Defendants' Motion for a protective order, **ECF No. 48 is granted.**
9 All discovery in this matter is hereby **STAYED** pending this Court's ruling
10 on Defendants' Motion for Summary Judgment.

11 4. Defendants' Motion for Summary judgment remains set for hearing
12 without argument November 12, 2013 at 6:30 p.m.; and

13 5. The District Court Executive is directed to send uncertified copies
14 of this Order to Plaintiff and to counsel for Defendants.

15 DATED this 30th day of September, 2013.

16 S/ James P. Hutton
17 JAMES P. HUTTON
 United States Magistrate Judge